

FILED ELECTRONICALLY

PATENT APPLICATION
Docket No. 13768.213

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)	
)	
Alireza Dabagh, et al.)	
)	
Patent No.:	7,209,971)
)	
Serial No.:	10/020,286) Art Unit 2157
Filed:	Deccmber 11, 2001)
)	
Conf. No.:	8376)
)	
For:	ARCHITECTURE AND RUN-TIME ENVIRONMENTS FOR NETWORK FILTER DRIVERS)))
)	
Examiner:	Yves Dalencourt))
)	
Customer No.:	47973)

**PETITION UNDER C.F.R. § 1.137(b) TO REVIVE AN
UNINTENTIONALLY ABANDONED APPLICATION**

Mail Stop: PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.137(b), applicant hereby petitions to revive United States Patent No. 7,209,971 (corresponding to United States Application Serial No. 10/020,286) which became unintentionally abandoned on or about January 16, 2003 as a result of a failure to timely file a notice of foreign filing and a rescission of a request for non-publication.

The Director is granted express authority under 35 U.S.C. § 122(b)(2)(B)(iii) and 37 C.F.R. § 1.181(a) to revive a patent application or issued patent that was unintentionally abandoned by failure to notifying he Office of a foreign filing. In that regard, M.P.E.P. § 1124 notes:

[When] applicant failed to file a notice of foreign filing when it was required, prosecution of the application will continue and the application may issue as a patent, even though the application has become abandoned by operation of the statute. Applicants who determine that a required notice of foreign filing was not timely provided should promptly file a petition to revive under 37 C.F.R. § 1.137(b).

Inasmuch as Applicant has determined that the notice of foreign filing was not timely provided, and Applicants are directed to file a petition under 37 C.F.R. § 1.137(b) even when the patent has issued from the application, this petition is being filed. Accompanying this petition is a fee in the amount of \$1,620.00 as set forth in 37 C.F.R. § 1.17(m) for filing this petition under 37 C.F.R. § 1.137(b) to revive an unintentionally abandoned application. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment in regard to this matter to Deposit Account No. 23-3178.

Applicant further notes that the failure to file the notice of foreign filing and the rescission for the non-publication request was unintentional, and the entire delay in filing this petition was unintentional. In connection with the revival of the Application, a Rescission of a Previous Non-Publication Request and a Declaration of Colby C. Nuttall is enclosed. In view of the foregoing, applicant respectfully requests that the Director grant this Petition to Revive an Unintentionally Abandoned Application.

Dated this 2nd day of March, 2009.

Respectfully submitted,



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